

Constitution
and By-Laws

*Brewery Firemen, Oilers
and Maintenance Men*
LOCAL UNION No. 367

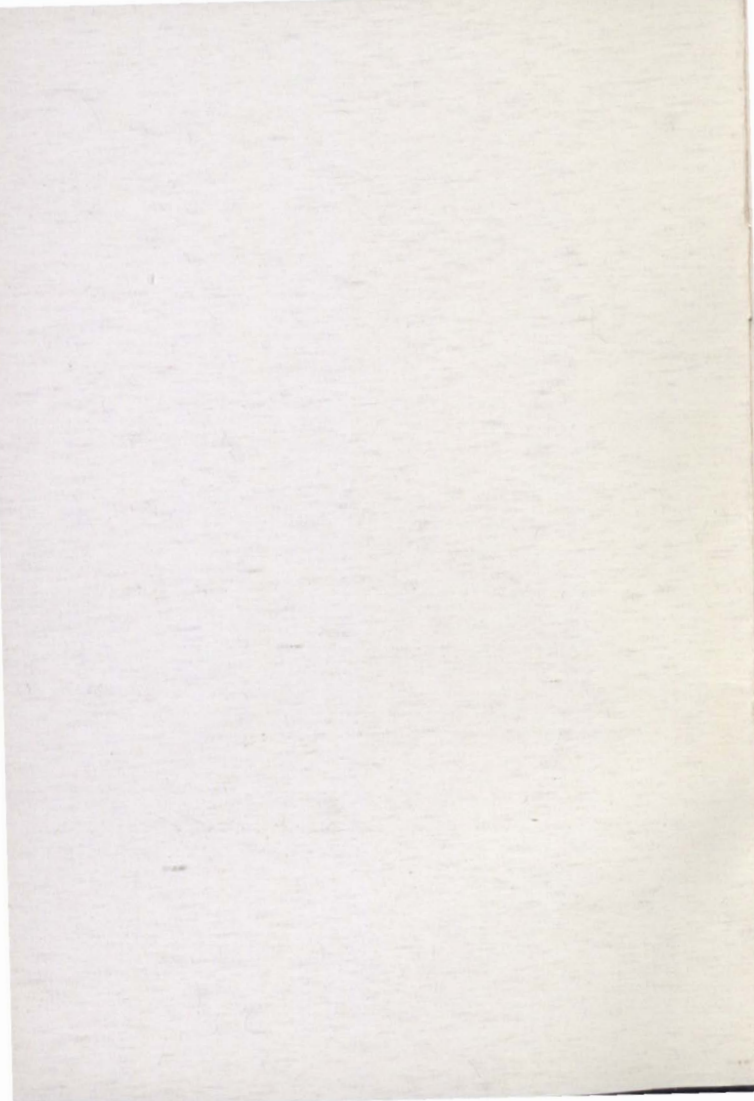
OF ST. LOUIS, MISSOURI

Affiliated with
International Brotherhood of
Teamsters, Chauffeurs,
Warehousemen & Helpers of America



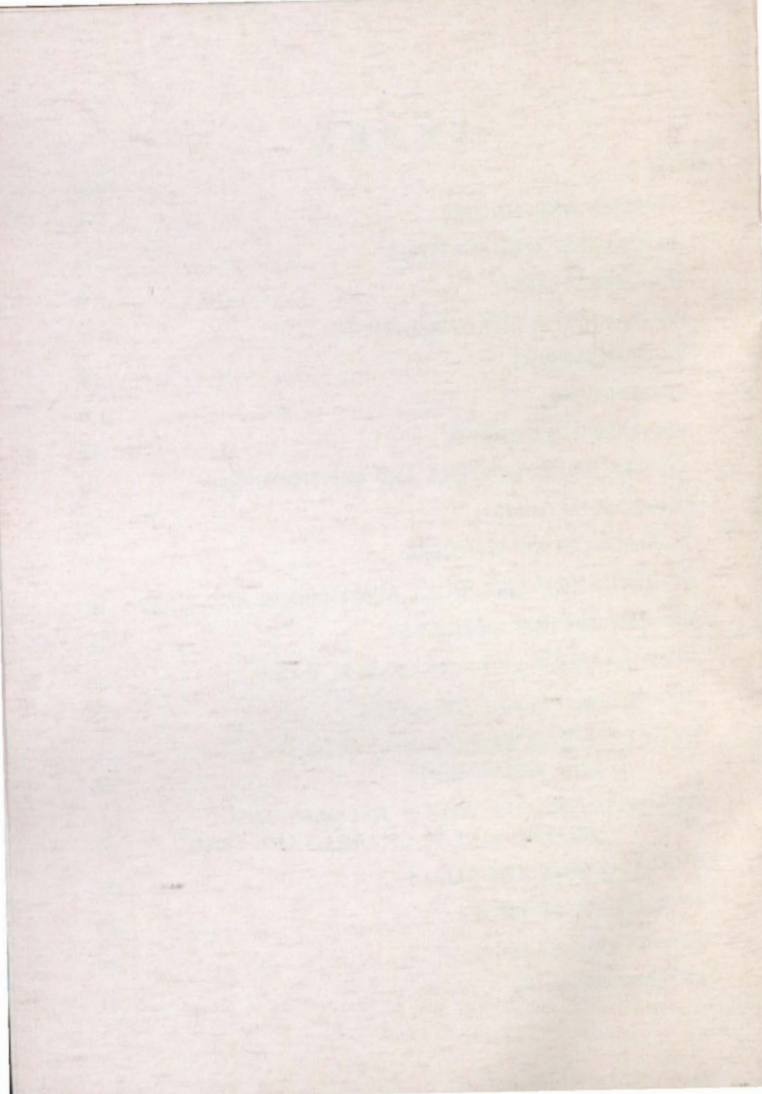
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CONSTITUTION AND BY-LAWS

OF

BREWERY FIREMEN, OILERS & MAINTENANCE MEN

LOCAL UNION No. 367

Affiliated with
International Brotherhood of Teamsters, Chauffeurs,
Warehousemen & Helpers of America

ARTICLE I

Name and Nature

Section 1.01—This Organization shall be known as Brewery Firemen, Oilers and Maintenance Men, Local Union No. 367, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America.

Section 1.02—This Organization shall continue to be an unincorporated Labor Union.

Section 1.03—The principal office of this Union shall be maintained in the City of St. Louis, State of Missouri.

ARTICLE II

Objects and Purposes

Section 2.01—We subscribe to the belief that all persons are entitled to collectively negotiate the terms and conditions of their employment and the compensation to be paid for their time and services under circumstances which

give to them and their employers an equal voice in such matters. Knowing that collective bargaining through a Labor Union is the only effective means whereby workers can acquire bargaining power equal to that of their Employers, we shall undertake in proper and reasonable ways to encourage all employees to become and remain members of a Union authorized to represent them for collective bargaining purposes.

Section 2.02—It shall be an object of ours to persuade and encourage persons working in employments under our jurisdiction to become and remain members in good standing of our Union; to engage in proper, reasonable and legal activities designed to persuade employees, employers and the public to the desirability of Trade Unions, to seek to incorporate in our collective bargaining agreements the maximum Union Security and job protection provisions permitted by Law; to strive to protect and preserve our bargaining position and bargaining power; to seek proper, reasonable and legal means whereby we may protect our standards from the threat of diminution caused by persons outside of our Organization working for less; to negotiate contracts for those we represent which will give them fair wages, reasonable hours of work, and satisfactory terms and conditions of employment; and to exercise all rights permitted by Law which tend to foster the interest and welfare of this Union in particular and the trade labor movement in general.

Section 2.03—It shall be our further object and purpose to encourage and assist our members in the acquisition of additional knowledge and information so that they may be better able to evaluate and pass judgment upon the matters and things which influence their lives and the affairs of this Union; to encourage them to participate

actively in the affairs of Government and of their Community; to encourage them to participate actively in the affairs of this Union; to instill in them the firm knowledge and belief that Freedom and Democracy cannot exist within this Organization unless the will of the majority prevails over the will of the minority; to require that every member recognize his responsibility to this Organization as an institution; and to require that our members refrain from conduct that would interfere with the performance of our Legal or Contractual obligations.

Section 2.04—To the extent permitted by Law, within the limits of the means and finances available to us, if authorized by a vote of the majority of the members attending a meeting, and within the scope of the authority conferred by such vote, this Organization shall engage in Political activities which tend to foster our Welfare. This shall include, but not be limited to, the dissemination of information, views, opinions, suggestions and appeals to any and all persons by any means available concerning any candidate for public office or political issue. It shall also include financial contributions in support of the campaigns of candidates, or for or against any political issue.

Section 2.05—We recognize that the interests of this Labor Organization are not limited to matters of organization and collective bargaining, or even to those matters and things additionally set out in Sections 2.01, 2.02, 2.03 and 2.04, but extend to all types of economic, social and political activities, including, but not limited to, activities of a cultural, civic, industrial growth, legislative, political, fraternal, educational, charitable welfare and social nature which further the interests of this Organization and its members directly or indirectly. Therefore, participation

of this Labor Organization in any such activities or which are in pursuance of any of the objectives and purposes set out in this Article, to the extent this Union may from time to time determine, shall be considered as for the sole benefit of the Organization and its members.

This Local Union as circumstances warrant on the right of its members to hold supervisory positions shall remain and participate as members in this Organization or may hold office therein.

ARTICLE III

Jurisdiction

Section 3.01—This Union shall have jurisdiction to organize, represent and admit to membership, all workers or persons employed by Anheuser-Busch, Inc. and Falstaff Breweries, whose business consists of, in whole or in part, all Power Plants, Refrigeration Plants, Gas Plants, Waterworks, including but not limited to, all Grain Drying Equipment in Brewing and Gluten Feed Departments. The lubrication and wiping incidental thereto, of all machinery and motors, including but not limited to, Brewhouse, Cellars, Refinery, Yeast Plant, Gluten Feed, Brewers Dry Grain, Feed Loading, Wash House and Packing Rooms, Malt House, Barley Cleaning, Mill House and Starch Plant. Including all elevators in above mentioned Departments but excluding the Bottling Plant. This jurisdiction shall not be limited to future agreements.

Section 3.02—(Applicable to Falstaff Brewing Corporation.) The work of Oilers shall include the lubrication and wiping incidental thereto of all motors and machinery throughout the whole Brewery, except the Bottling, Canning, and related machinery.

ARTICLE IV

Eligibility for Membership

Section 4.01—All matters pertaining to the acquisition or retention of membership in this Local Union shall be initially determined and regulated by action of the Local Executive Board provided, however, that any action, recommendation, regulation or determination of the Local Executive Board, in such respects, shall be submitted to and be approved by the membership of this Local Union.

Section 4.02—No person shall be eligible for membership in this Organization if:

(A)—Not being a Citizen of the United States, he has not declared it to be his intention to become a Citizen;

(B)—He is either a member of the Communist Party or other subversive organization or lends aid, support or comfort to either;

(C)—There is reason to believe that he may fail to recognize a responsibility to this organization as an institution or that he may refuse to refrain from conduct that would interfere with the performance of our legal or contractual obligations;

(D)—He refuses to obligate himself to promptly pay the lawful dues, assessments and financial obligations required of all members;

(E)—He refuses to pay our initiation fee or reinstatement fee;

(F)—There is reason to believe that he may not adhere to and abide by our Constitution and By-Laws and our rules, regulations and resolutions;

(G)—There is reason to believe that he may not adhere to sound trade union principles;

(H)—He refuses to participate in and agree to the rituals which may be required to consummate membership in this Organization.

(I)—He is not at least twenty-one (21) years of age.

ARTICLE V

Affiliations

Section 5.01—This Union shall comply with all present future provisions of the Constitution of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, which require us to affiliate with other bodies and may, when authorized by the membership, affiliate with any other organization having an object or purpose consistent with one or more of the objects and purposes specified in Article II hereof.

ARTICLE VI

Officers

Section 6.01—The Officers of this Organization shall consist of a President, a Vice-President, a Recording Secretary, a Secretary-Treasurer, and three Trustees. No other person or persons are authorized to (1) perform the functions of said officers except as administrative or clerical

assistants working under the direct supervision and control of the officers, or (2) perform or attempt to perform any of the Executive functions of the Union.

Section 6.02—The President shall preside at all Regular, Special and General Meetings of the Membership and at all meetings of the Executive Board. If necessary, he may appoint a Warden and an Assistant Warden to aid him in maintaining order and/or in the removal of any member from the meeting who fails to respect and comply with an order of the Chair. He shall countersign all checks for the withdrawal of funds from the accounts of the Union and shall exercise Joint custody and control over the Stocks, Bonds, Securities and other assets and records of the Organization.

Section 6.03—The Vice-President shall assist the President in the performance of his duties, and shall perform the duties of the President in the absence of the President.

Section 6.04—The Secretary-Treasurer shall keep full accounts of all monies received and expended and shall make a report of same at the montly meeting of the membership of the income and disbursements for the previous month. He shall have his books examined by the Union Trustees once a month. An annual C.P.A. audit of the books shall be conducted at the end of the Fiscal Period, and he shall make such yearly audit known to the members at the Membership Meeting in the month of January. He shall sign all checks for the withdrawal of funds from the accounts of the Union and shall exercise Joint custody and control over the Stocks, Bonds, Securities and other assets and records of the Organization. He shall counsel from time to time with the Executive Board on the investments of the Union's monies, together pre-

paring for the disposition of the Executive Board and the Membership, information on investments that would provide a fair return with a maximum of security for the investment therein.

Section 6.05—The Secretary-Treasurer and Business Agent shall be the responsible Executive and Administrative head of this Union. He shall supervise and direct all of the Executive and Administrative Functions of this Organization. He is authorized and empowered to employ Accountants, Attorneys, and Individuals in other capacities that the Executive Board and himself deem necessary in the best interest of the Organization. He shall have the right to convene a meeting of the Executive Board at any time, and to call special meetings of the membership whenever they are deemed necessary. He is further authorized to appoint from the ranks of the Executive Board, help and assistance that may be required from time to time in the operation of the Union and its Office. He shall sign all checks for the withdrawal of Funds from the accounts of the Union and, together with the President, exercise joint custody and control over the Stocks, Bonds, Securities and Finances, and other assets and records of the Organization.

Section 6.06—The Trustees shall examine the Financial books and records of the Union once a month, and they shall indicate by their signature on said books that they have examined them. In the event of the Death, Disability, or other inability to act of any one of the Trustees, the other two Trustees may act as fully as though all three were acting.

Section 6.07—Every Officer, Agent, Shop Steward, Employees, or other Representatives who is authorized to

handle funds or other property of this Organization shall be Bonded for the faithful discharge of his or her duties to the extent required by Law.

Section 6.08—The Officers of this Organization shall be elected by secret ballot among the members in good standing for a term of three years, to take effect on the date the term of their predecessor expires. One Trustee shall be elected every year so that the term of Office shall be staggered.

Section 6.09—The Local Union Executive Board shall fill by appointment all vacancies in elected offices which occur during the term of such office for the unexpired term.

ARTICLE VII

Executive Board

Section 7.01—The Executive Board of this Organization shall be composed of the President, the Vice-President, the Recording Secretary, the Secretary-Treasurer, and the three Trustees.

Section 7.02—Except as may be otherwise provided, the Executive Board is authorized and empowered to direct and to handle all finances, to invest and expend, to contribute and to lend, to acquire any and all funds and property in what they consider in the best interest of the Union and its membership. They shall further be authorized to provide for benefits, allowances, direct and indirect disbursements, expenses and reimbursement of expenses for Officers, Agents, Delegates and Employees, subject to the approval of the Membership.

Section 7.03—From time to time the Executive Board may be required to change rules and regulations or practices pertaining to the administrative or operational functions of the Union, whether or not expressly authorized herein. The Board is empowered to act on any and all matters regardless of their scope. Such changes or decisions shall be subject to the approval of the Membership and remain consistent with the authority set forth in the Local and International Constitution and By-Laws.

Section 7.04—The Executive Board shall hold meetings when deemed necessary. A majority of the Board shall constitute a quorum for the transaction of business at any meeting of the Board.

Section 7.05—Should a condition arise at any time prior to the scheduled meeting of the Executive Board that would require the Secretary-Treasurer to seek authority to act, due to some urgency, he may do so by contacting the Officers of the Executive Board by telegram or telephone, and such Officer is authorized to take action on the matter brought to his attention. Such action so taken by the majority of the Officers of the Executive Board shall constitute an official act just as though the Board were in formal session.

ARTICLE VIII

Salaries, Expenses and Expenditures

Section 8.01—The President, Vice-President, Recording Secretary, the Secretary-Treasurer, the Trustees and Shop Delegates shall continue to receive the salaries, or allowances and expenses in effect at the time of the adoption

of this Constitution and By-Laws until determined otherwise by the Executive Board and the Membership.

Section 8.02—The salaries, benefits, allowances and expenses of all other persons who are now or hereafter may be employed by, or who shall serve the Union, shall remain in effect until determined otherwise by the Executive Board and the Membership.

Section 8.03—Whenever rank and file members of this Organization lose time from their work when engaged in activities on or in behalf of the Union, and if they suffer a loss of income as a result thereof, they will be compensated for their loss and expenses from the Treasury of the Union. Provided, however, they must have been fully authorized and selected to serve and act and informed that they would be reimbursed in an amount which the Executive Board shall, in its sole discretion, agree upon.

ARTICLE IX

Nominations

Section 9.01—Nominations of Officers shall take place at and during the General Meeting of November. All members are required to attend. Any member desiring to nominate another member for Office shall rise and identify himself. Each nomination must receive a "second" in like manner.

ARTICLE X

Election of Officers

Section 10.01—Balloting for the Election of Officers shall take place in the month of December, unless other-

wise notified. Polls shall open at 7:30 A.M. and will close at 5:30 P.M. Election shall be by secret ballot among the members entitled to vote. Neither voting by Mail nor by Proxy shall be permitted, nor shall membership be permitted to write in the names of persons who were not nominated.

Section 10.02—All employed dues paying members in good standing will be required to vote or be subject to a Fine. Each eligible voter must have his Dues Book in his possession and present same at the Polls for identification. He shall be required to sign the Official Roster before the issuance of a Ballot.

Section 10.03—The Executive Board shall establish adequate provisions and safeguards to insure a fair Election, with the results of the Election being made known at the Regular Meeting of the Membership in the month of January, with the newly elected officers taking office after the first meeting of the month.

ARTICLE XI

Initiation Fees, Dues, Assessments and Fines

Section 11.01—The Initiation Fee of this Organization shall be One Hundred (\$100.00) Dollars. This Fee must be paid in full before any person is admitted to Membership, providing however, the Executive Board may waive or reduce in certain cases where they feel it proper, or where it would aid in Union Organization efforts. The monthly periodic dues of this Organization shall be Seven (\$7.00) Dollars.

Section 11.02—All members must pay their Dues quarterly, by mail or in person, not later than the last business day of the months of January, April, July, and October.

Any member failing to pay his Dues at such times shall not be in good standing and shall pay a penalty, not more than Two (\$2.00) Dollars for each month in arrears. Failing to remit such Dues and penalties by the last day of the quarter month shall require the Secretary-Treasurer of the Union to notify the Employer of such arrearages, requesting that he comply with the Union Security provision of the current Labor Agreement.

Any Member who is off from work due to sickness or injury and thereby receives weekly income from the Welfare Plan shall be required to pay Dues for the period in which he is off and receiving such income.

Any Member subject to lay-off and who has worked three (3) days in any calendar month will be required to pay that month's dues within one (1) week after the date of lay-off.

Section 11.03—The Initiation Fee and the rates of Dues and Assessments shall not be increased, and no general assessment shall be levied upon the membership except by majority vote and by secret ballot of the members in good standing at a General or Special Membership meeting, after reasonable notice has been given to the effect that the question will be voted upon.

Section 11.04—Every member shall receive a Dues book which shall be used for receipting the payment of Initiation Fees and monthly Dues. No Dues shall be accepted without presentation of said Dues book. Members shall

receive stamps for their paid Dues which shall be affixed to their Dues books and shall constitute a receipt, and payment of such Dues shall be stamped in said Dues book.

Section 11.05—Each Member is required to furnish his correct address. In case of any change in address, it shall be the duty of the member to report such change, verbally or in writing, to the Union Office within fourteen (14) days thereafter.

ARTICLE XII

Membership Meetings

Section 12.01—Regular meetings of this Local Union shall be held on the second Tuesday of each month. The Regular meeting scheduled for the month of November shall be known as the General Meeting. For practical or other reasons, the scheduled dates of such meetings may be changed, postponed, or cancelled by the Executive Board, after reasonable notice to that effect has been given to the Membership.

Section 12.02—Any action taken at a Regular, Special, or General Meeting of this Local Union, which is adopted or approved by a majority of the members then present, shall be binding and constitute an official transaction of this Organization.

Section 12.03—All members in good standing of this Local Union are required to attend no less than six (6) regular meetings thereof yearly and, in addition, must also attend the General Meeting and all Special meetings. Failure of any member to attend the prescribed number of Regular and Special meetings shall be subject to a Fine

of not less than Two (\$2.00) Dollars for each non-attendance. Any member failing to vote in the Election of Officers in the month of December shall be fined the sum of no less than Five (\$5.00) Dollars.

The requisites of this particular section may be changed or altered by the Executive Board, subject to the approval of the Membership.

Section 12.04—It shall be the privilege of any member who has failed to fully comply with the requirements set forth in Article XII—Section 3 to voluntarily pay such fines in order to avoid the time and inconvenience of the Trial procedures set forth in this Constitution and By-Laws.

For just and worthy causes, the Executive Board is empowered to consider exceptions and grant exemptions.

Section 12.05—The Union shall furnish each member with an Attendance Card. Such card must be presented at each meeting and receive the official punch of the Union in order to verify his attendance. Failure to have, or loss of, an Attendance Card must be reported by the member to the Union Office at once. Penalty for replacement of same shall be at the discretion of the Executive Board.

Section 12.06—Members shall surrender their Attendance Cards to their respective Shop Delegates no later than the fourth week in December each year. The Shop Delegate shall deliver all such cards to the Office of this Local Union for examination, subject to the disposition of the Executive Board.

Section 12.07—All Fines collected yearly shall be contributed to some worthy Charity at the direction of the

Executive Board subject to the approval of the Membership.

ARTICLE XIII

Transfer and Withdrawal Cards

Section 13.01—This Organization shall accept the transfer card of a member in good standing with any Local Union of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, and shall grant membership herein in accordance with the provisions of the Constitution of said International Union.

Section 13.02—This Organization shall issue transfer and honorable withdrawal cards in accordance with the terms and provisions of the Constitution of our International Union and shall charge twenty-five (25c) cents therefor.

Section 13.03—Members who leave employment or secure work in crafts or industries over whom we have no jurisdiction shall promptly apply for and be given a transfer or honorable withdrawal card upon the payment of twenty-five (25c) cents, plus all dues, assessments and fines due the Organization at such time. Thereafter they shall be considered to have voluntarily withdrawn from Membership. Should they subsequently obtain employment under our jurisdiction, they shall be entitled to deposit said withdrawal card and be re-admitted to membership in good standing and without being required to pay an initiation or reinstatement fee.

Section 13.04—Issuance of withdrawal cards shall be at the discretion of the Executive Board. The Executive Board may cancel any withdrawal card issued to one who perpetrates acts detrimental to the interests of this Local Union or its International.

ARTICLE XIV

Delegates and Stewards

Section 14.01—Each member of the Executive Board, provided that he has been elected to his Office by secret ballot, shall, by virtue of his Office and said Election, be a Delegate to the Joint Council and Area Conference to which this Union is affiliated. Delegates to Central Bodies, and to all Conventions of Labor, including Trade, Craft, Regional or other types of Conference, as well as to any other Local, State, or National Body, including the Convention of the International, shall be appointed from the ranks of the Executive Board by voice vote.

Section 14.02—Shop Delegates or Stewards shall be elected annually during the month of December. The term of Office shall be one (1) year. The same to commence on the first day of January following such election. A secret ballot shall be used in the conduct of such election and shall be presided over by two (2) members employed in the department who are mutually satisfactory to the Candidates for Office.

Section 14.03—To be eligible for election as a Shop Delegate or Steward in any Department or Plant, a person must be a member in good standing of this Local Union and must have worked steady for a period of not less than two (2) years in the Departments over which he seeks to be elected, or in a Department of substantially similar operation or nature, and must have a thorough knowledge of the operation or lubrication of such Department.

Section 14.04—It shall be the duty of all Shop Delegates

to cause, or endeavor to cause, the provisions of the Local Union's contracts to be strictly observed and complied with by employers and the representatives of the employers, and by all employees covered by such contracts. Shop Delegates shall endeavor, in good faith and with reasonable diligence, to process and handle all meritorious complaints made by employees working in their respective departments. Shop Delegates shall also discuss and confer with the Secretary-Treasurer and the Local Executive Board on all issues of major importance to the Local Union, and on all matters affecting the good and welfare of the members of the Local Union. The members of this Local Union shall, at all times, treat their respective Shop Delegates with courtesy and respect, and shall cooperate with such Shop Delegates in studying, analyzing and solving problems arising in their Departments.

ARTICLE XV

Collective Bargaining, Proposals and Agreements

Section 15.01—The Executive Board shall be authorized to develop and prepare for presentation to the Membership and the Employers, Collective Bargaining Proposals concerning Wages, Hours, and other terms and conditions of employment. Before the persons authorized to negotiate for the Membership agree to the terms of any Collective Bargaining Agreement, and before any such Agreement is executed, they shall first present such Agreement to a Special meeting of the Executive Board, and then shall present same to a Special meeting of the membership who shall authorize by a majority vote, the acceptance and authority to execute such Agreement.

Section 15.02—If a majority of the members are unwilling to authorize the acceptance of such Agreement, then, in that event, another Special meeting shall be called of the entire membership at which the question of a Strike Vote shall be submitted. If at least two thirds in attendance at that meeting vote to Strike, the Executive Board shall immediately prepare for a Strike, following the requirements set forth in the Constitution and By-Laws of the Joint Council and the International Union.

ARTICLE XVI

Offenses for Which Officers and Members May Be Charged and Tried

Section 16.01—The basis for charges against Officers and Members of this Organization for which they shall be required to stand Trial as hereinafter provided shall consist of one or more of the following:

(A)—Violation of any specific provisions of this Constitution and By-Laws, the Constitution of our International Union, or the failure to perform any of the duties specified thereunder.

(B)—Violation of the responsibilities of Members to this Organization as an institution.

(C)—Conduct that interferes with the performance of our legal or contractual obligations.

(D)—Violation of the oath of loyalty to this Organization and our International Union.

(E)—Violation of the Oath of Office.

(F)—Gross disloyalty or conduct unbecoming a Member.

(G)—Misappropriation, the penalty for which shall be removal from Office, position or duties and expulsion.

(H)—Secession and unionism, or fostering the same.

(I)—Abuse of fellow members or officers by written or oral communications.

(J)—Abuse of fellow members or officers in the meeting hall.

(K)—Activities which tend to bring this Organization or the International Union into disrepute.

(L)—Disobedience to the lawful rules, regulations, mandates and decrees of this Organization, our International Union, or the subordinate bodies of our International Union.

(M)—Except as otherwise regulated by Law, knowingly working for an employer whose employess are on Strike or who is on the unfair list of this Organization, knowingly giving or attempting to give, directly or indirectly, any information to such employer which tends to support such employer against this or any other Labor Organization.

(N)—Preferring charges against members or officers in bad faith or where actuated by malice.

(O)—Failure to appear as a witness on Trial of Charges, if notice in writing to appear as such witness has been given.

(P)—Failure to appear before the Executive Board after due notice to appear has been given.

(Q)—Dishonesty, the penalty for which shall be expulsion.

(R)—Seeking to use any authority not delegated to him, or the seeking to exercise the powers of any appointed committee of which he is not a member, or making demands or requests outside the scope of his authority upon persons not members of this Union.

(S)—Purposely disrupting meetings, failing to observe rules of order made by the President, being boisterous at meetings or using profane language or threat.

(T)—Failing to attend the required number of meetings in addition to the other obligations set forth in Article XII—Section 3.

(U)—In the case of Officers, failing to tender a satisfactory excuse for missing a meeting.

(V)—Such other acts and conduct which shall be considered inconsistent with the duties, obligations and fealty to a Member of a Trade Union, and for violation of sound Trade Union principles.

ARTICLE XVII

Charges and Trials

Section 17.01—Every member of this Organization shall be entitled to fair and impartial treatment in the application of the Rules and Laws and in the interpretation and application of the Rules relating to offenses, trials, and

appeals. The fundamental principle of due process, notice, hearing and judgment shall be observed and administered by members of this Union without requiring any technical knowledge or formality such as is required and followed in Courts of Law and Administrative Bodies.

Section 17.02—Charges may be preferred by any member of this Organization and must be filed in writing and in duplicate with the Secretary-Treasurer. No particular formality shall be required in the written charges. They shall contain an accurate statement of the facts upon which the charges are predicated and a statement of the particular section or sections of this Constitution and By-Laws which the charging party contends to have been violated, also the names and home addresses of witnesses desired to be present. The Secretary-Treasurer shall promptly forward a copy thereof to the member or officer accused, and the accused shall therefore be required to stand Trial at a time and place designated by the Executive Board which shall not be less than fifteen (15) days from the date the charges were served upon the accused. The Secretary-Treasurer shall notify the witnesses to be called, said notice to be given by mail, addressed to their last known address.

Section 17.03—Persons so accused shall be tried by the Executive Board of this Organization who shall have jurisdiction and authority to Fine, Suspend, or expel members who, following a fair Trial and Hearing, are found guilty of a violation of any rule or regulation duly adopted by the Membership, or of any provision of the Constitution and By-Laws of this Local Union.

Section 17.04—In the conduct of the Trial, the accused member may select any other member of the Organization

to represent him in the presentation of his Defense, but no Lawyer shall be permitted to appear, either on behalf of the accused Member, the Union, or the Executive Board, or any other person in this Organization. A Court Reporter shall be retained and an accurate record of the entire Hearing shall be kept. The Trial Body shall render its Judgment and Decisions in writing, including a summary of the facts relied upon. Depending upon the seriousness of the offense involved and the decision of the Trial Body under the facts, accused members and officers may be (1) exonerated and found not guilty of the charges, (2) found guilty in whole or in part without the imposition of any discipline, or (3) found guilty in whole or in part with the imposition of fines, penalties, suspensions, expulsions, removals from office, reprimands or other discipline; provided, however, that a finding of guilt of dishonesty or misappropriation shall call for the penalty of expulsion.

Section 17.05—When a member or officer of a Local Union has been charged by any other member of the Local Union with any offense constituting a violation of the Constitution, he shall be tried by the Local Union Executive Board. If disciplinary action is taken against the accused, he may take an appeal from the decision of the Local Union Executive Board to the Executive Board of the Joint Council.

All manner of appeals shall be taken within fifteen (15) calendar days from the date the decision is placed in the mail or otherwise transmitted to the interested parties.

Section 17.06—In the event the said Finding, Judgment, and Penalty is affirmed or modified, but not reversed, by Executive Board of Joint Council members at such meeting,

the accused may then take and prosecute such further appeals as are provided for in the Constitution and By-Laws of the International Union.

Section 17.07—Every member of this Organization shall be expected and required to recognize a responsibility to this Organization as an Institution, and shall refrain from all activities which are inconsistent or in conflict with that responsibility. In addition, every member shall refrain from conduct that would interfere with the duty of this Organization to perform its legal or contractual obligations.

Section 17.08—This Constitution and By-Laws provides the exclusive means whereby each and every member shall pursue the remedies to which he is entitled hereunder and under applicable Laws. Therefore, no member shall resort to proceedings before any Court, Administrative Agency, or Governmental Official until he has first exhausted the internal remedies provided for him in this Constitution and By-Laws. Provided, however, his duty to exhaust his internal remedies shall expire and cease to be binding upon him if a final decision has not been rendered in his case within four months after he has invoked them. Provided, further, it shall be the duty and obligation of every member to pursue his internal remedies with promptness and perform the duties of their offices and to devote themselves to the good and welfare of the Organization and our members.

ARTICLE XVIII

Rules of Order

Section 18.01—The President, while presiding, shall state every question coming before the Local Union before

suffering debate thereon, and immediately before putting it to a vote he shall ask: "Is the Union ready for the question?" Should no member rise to speak and the Local Union indicates its readiness, he shall rise to put the question. After he has risen, no member shall be permitted to speak upon it.

Section 18.02—When the decision of the President is appealed from, he shall state his decision and the reasons therefor, from the Chair. The party appealing shall then briefly state the reasons for the appeal, after which, without further debate, the question shall be put thus: "Shall the decision of the Chair stand as the judgment of this Union?"

Section 18.03—Every member, while speaking, shall adhere to the question under debate, avoid all personality and indecorous language, as well as any reflection on the Union or any member thereof.

Section 18.04—Any member, while speaking, being called to order by another, at the request of the Chair, shall cease speaking and be seated until the question of order is determined.

Section 18.05—No member shall speak more than once on the same question until all the members wishing to speak have had an opportunity to do so; nor more than twice without the permission of the Chair, nor more than ten minutes at one time.

Section 18.06—All resolutions and motions, other than the first six, in Rule 8, to accept or adopt the report of the committee, shall be reduced to writing before the President shall state the same to the Union.

Section 18.07—Any member may call for the division of a question when the sense will admit of it.

Section 18.08—The following motions shall have precedence in the following order herein arranged: First, to adjourn, second; to close debate; third, to take the previous question; fourth; to lie on the table; fifth, to postpone indefinitely; sixth, to postpone to a definite time; seventh, to refer; eight, to amend. The first four shall be decided without debate.

Section 18.09—The motion to close debate may be made by two members and shall be put in this form. "Shall the debate now close?" and, if adopted, the President shall proceed to take the question on the resolutions and amendments thereto, according to priority, without further debate.

Section 18.10—The call for the previous question may be made by six members and shall be put in this form: "Shall the main question be now put?" If adopted, the effect shall be to take the question on the original resolution to the exclusion of all debate and all amendments which have not been adopted.

Section 18.11—All votes other than amendments to the Constitution, By-Laws or Rules of Order may be considered at the same or next succeeding meeting upon a motion made and seconded by two members who voted in the majority; provided the Union agrees thereto; but after a motion to reconsider has once been lost, it shall not be renewed.

Section 18.12—Every member present shall vote on all questions before the Union, unless personally interested.

A motion to excuse a member from voting shall be put without debate.

Section 18.13—No member shall enter or leave the Union meeting during the reading of the minutes, admission of new members, installation of officers, or the taking of a question of yeas and nays; and no member shall be allowed to leave the Union Meeting without the permission of the presiding officer.

Section 18.14—When a motion has been declared carried or lost by acclamation, any member, before the Union proceeds to other business, may call for a count, but the yeas and nays cannot be called unless demanded before the President rises to put the question.

Section 18.15—The yeas and nays may be called for by two members and upon the assent of one-third of the members present shall be taken.

Section 18.16—A motion to adjourn having been put and lost shall not be in order again, provided there is further business before the Union, until fifteen minutes have elapsed.

Section 18.17—No subject of a political or religious nature shall be at any time admitted, but subjects which affect the economic welfare of our members shall not be prohibited even though they are political in nature.

Section 18.18—All business done in the Union shall be strictly secret to all outside the Union.

Section 18.19

(A)—All and other proceedings in debate, not herein provided for, to be governed by Roberts' Rules of Order.

(B)—One tap of the gavel shall call to order; two taps to be seated; three taps to rise.

ARTICLE XIX

Saving Clauses

Section 19.01—The provisions of this Constitution and By-Laws relating to the payment of dues, assessments, fines or penalties, etc., shall not be construed as incorporating into any Union Security contract those requirements for good standing membership which may be in violation of applicable law, nor shall they be construed as requiring any employer to violate any applicable law. However, all financial obligations imposed by or under the International Constitution and this Constitution and By-Laws shall be legal obligations of the members upon whom imposed and enforceable in a Court of Law.

Section 19.02—If any provision of this Constitution and By-Laws shall be declared invalid or inoperative, by any competent authority of the executive, judicial or administrative branch of Federal or State Government, the Executive Board shall have the authority to suspend the operation of such provision during the period of its invalidity and to substitute in its place and stead a provision which will meet the objections to its validity and which will be in accord with the intent and purpose of the invalid provision. If any Article or Section should be held invalid by operation of Law or by any tribunal of competent jurisdiction, the remainder of this Constitution and By-Laws or the application of such Article or Section to persons or circumstances other than those as to which it has been held invalid, shall not be affected thereby.

ARTICLE XX

Amendments

Section 20.01—Any two members may propose amendments to this Constitution and By-Laws. The proposed amendments, unless otherwise provided for herein, shall be submitted in writing to the Union and read at one regular meeting and laid over without discussion until the next regular meeting, at which time they shall be voted upon. Amendments may also be proposed, read and voted upon at a Special meeting called for such purpose with advance notice to the membership of the nature of the amendment. Amendments approved by a majority vote of these members present and voting shall be sent to the Office of the General President of our International Union for approval.

**Brewery Firemen, Oilers &
Maintenance Men,
LOCAL UNION No. 367**

ANTHONY SCHMITZ
President

ROBERT C. VIETH
Vice-President

AUGUST E. HURRELMEYER
Recording Secretary

JAMES J. MULLALLY
Secretary-Treasurer and
Business Agent

Approved June 27, 1962

International Brotherhood of
Teamsters, Chauffeurs, Warehousemen &
Helpers of America

JAMES R. HOFFA, President

